

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

United States District Court
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT

DEC. 18 2018

for the

David J. Bradley, Clerk of Court

Southern District of TEXASHouston Division

Case No. _____

(to be filled in by the Clerk's Office)

JOHN WILLIAM PALMER

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

H.I.P.D. DETECTIVE S.P. JARELLA
HOUSTON POLICE DEPT., ASSISTANT D.A. (i)
HARRIS COUNTY DISTRICT ATTORNEY OFFICE

PETER WOLF JEN BARBER

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name JOHN WILLIAM PALMER
~~JOHN WILLIAM PALMER~~
 All other names by which you have been known: NONE
 ID Number 01611679
 Current Institution HARRIS COUNTY SHERIFF'S JAIL
 Address 1200 BAKER ST.
HOUSTON TX 77002
 City State Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name UNKNOWN H.P.D. OFFICER (I'M NOT AFFORDED INDICTIVE
 Job or Title (*if known*) HOUSTON POLICE OFFICER WHO USED PERJURY TO ARREST
 Shield Number UNKNOWN
 Employer HOUSTON POLICE DEPT., BOMB SQUAD
 Address 1200 TRAVIS ST.
HOUSTON TX 77002
 City State Zip Code
☐ Individual capacity ☒ Official capacity

Defendant No. 2

Name HOUSTON POLICE DET., J. P. VARELLA
 Job or Title (*if known*) DETECTIVE WITH HOUSTON POLICE DEPT.
 Shield Number UNKNOWN
 Employer HOUSTON POLICE DEPT.
 Address 1200 TRAVIS ST.
HOUSTON TX 77002
 City State Zip Code
☐ Individual capacity ☒ Official capacity

Defendant No. 3

Name

Job or Title (if known)

Shield Number

Employer

Address

UNKNOWN ASSISTANT D.A. (I'm NOT ALLOWED NAME
ASSISTANT DISTRICT ATTY, HARRIS CO. D.A. OFFICE

HARRIS COUNTY DISTRICT ATTORNEY OFFICE
1201 FRANKLIN
HOUSTON TX 77002
City State Zip Code

NOTE: I'm not allowed
any document from my
case, indictment etc.
all is in secrecy....

☐ Individual capacity ☒ Official capacity

Defendant No. 4

Name

Job or Title (if known)

Shield Number

Employer

Address

~~JOHN PEAR~~
~~VOIDED BY APPOINTED ATTORNEY~~
~~JR. HARRIS COUNTY, TEXAS~~
~~HOUSTON TX~~
City State Zip Code

☐ Individual capacity ☒ Official capacity

NOTE: THE JAIL RETAINS
MY LEGAL MATERIALS, SINCE
SEPT. COMPLETE INFO IS IN
THOSE LEGAL MATERIALS

II.

Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

1. VIOLATIONS OF THE 4TH, 5TH, AND 6TH AMENDMENTS OF THE U.S. CONSTITUTION
2. 18 USC § 1622/1623, PERJURY AND THE SUBORNATION OF IT. PROSECUTION BY CONSPIRACY
3. 18 USC § 424(a)(6) AND (C); VIOLATIONS OF "THE MOTION," "THE HEARING," AND "THE ORDERS."
4. 18 USC § 2340(A); TORTURE UNDER THE COLOR OF LAW. 5. COMPLICITY IN MURDER

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

1. DETECTIVE S. P. VARELLA (H.P.D.) AND OTHER H.P.D. OFFICERS WERE SUBORNATING PERJURY FROM A FEDERAL CASE AS I WAS TRYING TO SUE FOR MURDER.
 2. THEY ARRESTED ME FOR "RETALIATION" AGAINST A JUDGE WHO ALTERED DOCS IN SUPPORT OF PERJURY. H.C.D.A.O. IS USING PERJURY FOR PROSECUTION AND CONCEALING EXCULPATORY EVIDENCE AND TAMPERED EVIDENCE.

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☒ Pretrial detainee
☐ Civilly committed detainee
☐ Immigration detainee
☐ Convicted and sentenced state prisoner
☐ Convicted and sentenced federal prisoner
☐ Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

1. PERJURY AND THE SUBORNATION OF IT WERE USED TO ARREST ME, MAR. 26, 2018, AT 10923 SELA LN, HOUSTON, TX 77072. I WAS TRYING TO SUE FOR THE MURDER OF MY MOTHER.
 2. EXCULPATORY EVIDENCE AT 911/HOUSTON EMERGENCY IS CONCEALED FOR PROSECUTION, AS IN A PREVIOUS FEDERAL CASE. THIS EVIDENCE PROVES PERJURY FOR ARREST (U.S.M.D. AND H.P.D. BOMB SQUAD MADE THE ARREST AS I SOUGHT TO SUE THEM).
 B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

VOIDED
 VOIDED
 THE COURT, HARRIS COUNTY DIST. ATTORNEY OFFICE, ASSISTANT D.A., AND ATTORNEY JON BARR VIOLATED "THE MOTION," "THE HEARING," AND "THE ORDER FOR COMPETENCY EVALUATION PURSUANT TO F.R.C.P." AND THEY ARE CONCEALING EXCULPATORY EVIDENCE, ALL H.P.D. REPORT AT HOUSTON EMERGENCY, ON JEFFERSON ST. H.P.D. HAS MY PHONES AND LAPTOP EVIDENCE.
 Page 4 of 11

C. What date and approximate time did the events giving rise to your claim(s) occur?

ARREST WAS ON MARCH 26, 2018. PROSECUTION BY CONCEALMENT 911/H.F.D./EM.
~~IN APRIL AND AGAIN IN MAY, THE A.D.A. AND ATTY. JIM BARR VIOLATED~~
~~THE MOTIONS, DENIED THE HEARINGS, AND THE ORDERS WERE DENIED.~~

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

2 FEDERAL OFFICIALS AT 515 RUSK, JUNE 2016, AGREED THAT ALTERED EVIDENCE/
 TAMPERED EVIDENCE IN A FEDERAL CASE CAUSED THE 2ND DEGREE MURDER
 OF MY MOTHER, THE THEFT OF ALL OF HER PROPERTY, AND MY FALSE
 ARREST/IMPRISONMENT. EXCULPATORY EVIDENCE CONCEALED, DATED MAY 1,
 2007 (MY 911 CALL AFTER U.S.M.D. SHOT A BAG FROM MY LEFT HAND) PROVED
 100+ FALSE STATEMENTS THAT WERE USED TO ARREST AGAIN, MARCH 26, 2018
 2 CAMERA MEN FROM CW39 NEWS RECORDED VIDEO THAT PROVES PERJURY.

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

I WAS SHOT THROUGH THE LEFT HAND. H.F.D. WITNESSED U.S.M.D. SHOOT
 A BAG OF CAT FOOD FROM MY LEFT HAND, BEFORE I CALLED 911/H.F.D., MAY 1, 2007
 100+ FALSE STATEMENTS LEADING TO MY ARREST/IMPRISONMENT LED TO THE
 MURDER OF MY MOTHER, MARJORIE A. YEARWOOD PALMER SWEETNAM, AND THE
 THEFT OF ALL OF HER PROPERTY. DEATH, FEB-2, 2008, WHILE SEARCHING FOR HER PROPERTY
 THAT PERJURY IS USED TO DESTROY MY PROPERTY, AGAIN; CARS, CLOTHES... ETC.
 AS I SOUGHT TO SUE FOR WRONGFUL DEATH, I WAS ARRESTED MARCH 26, 2018

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I PRAY THE COURT WILL ALLOW A LAWSUIT FOR VIOLATIONS OF
 THE 4TH, 5TH, 6TH AMENDMENTS OF THE BILL OF RIGHTS, PROSECUTION BY
 CONCEALMENT, AS MY EXCULPATORY EVIDENCE IS AGAIN CONCEALED.
 HENCEFORTH, PERJURY IS USED FOR PROSECUTION AND ARREST AND DESTRUCTION
 OF PROPERTY, MARCH 26, 2018. MONEY DAMAGES: \$500,000.00 AND A P.R. BOND.

I'M NOT AFFORDED A COPY OF MY INDICTMENT, NOR ANY OTHER COURT
 DOCUMENT, AS I SEEK THE CASE FILE. THE SHERIFF'S RETAIN MY LEGAL
 MATERIALS AND FAMILY ADDRESSES, SINCE SEPT. 2016; CASE NO. 1584989.
 FALSE ARREST, FALSE IMPRISONMENT, ANIMAL ABUSE, DESTRUCTION OF PROPERTY.
 * EXCULPATORY EVIDENCE IS ONLINE AT: <http://plus.google.com/+JohnPalmer4uz>.
 HOUSTON POLICE HAVE MY PHONES AND LAPTOP COMPUTER CONTAINING
 EXCULPATORY EVIDENCE AND TAMPERED EVIDENCE/ALTERED DOCUMENTS.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☐ Yes

☒ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☒ No

☐ Do not know

If yes, which claim(s)?

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- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☐ Yes

☒ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☒ No

- E. If you did file a grievance:

1. Where did you file the grievance?

N/A

2. What did you claim in your grievance?

N/A

3. What was the result, if any?

NONE

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. *(Describe all efforts to appeal to the highest level of the grievance process.)*

N/A

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

- THE JAIL HAS NOTHING TO DO WITH MY ARREST AND PROSECUTION
BY CONCEALMENT. THE COURT (183RD) A.D.A./H.C.D.A.O. AND ATTY CONCEAL-
2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:
PROSECUTION BY CONCEALMENT:
- I'VE MOTIONED TO THE COURT (3X) TO OBTAIN EXCULPATORY EVIDENCE THAT IS AT HOUSTON EMERGENCY/911/H.E.D., DATED MAY 1, 2007 AT 2:29.
 - I'VE WRITTEN TO THE D.A.'S OFFICE. H.C.D. HAS PHONES/LAPTOP EXCULPATORY.
 - I'VE REQUESTED MY ATTY, MRS. RODRIGUEZ, TO OBTAIN IT SEVERAL TIMES.

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

THE H.C. JAIL HAS MY LEGAL MATERIAL PLUS TRUST FUND ACCT. DOCUMENT.
THE JAIL RETAINS MY LEGAL MATERIALS, SINCE SEPT., 2018
I'VE SENT SEVERAL REQUEST TO OBTAIN MY PROPERTY, SINCE SEPT.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☒ Yes

☐ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) JOHN PALMER

Defendant(s) ATTY. DAVID CUNNINGHAM

2. Court (if federal court, name the district; if state court, name the county and State) C.D.A. DAVID CUNNINGHAM, AND A.U.S.A. JAY HILEMAN, CONCEALED FOR PROSECUTIONS.

U.S. DISTRICT COURT, SOUTHERN DISTRICT OF TX.

3. Docket or index number

DONT KNOW, IT WAS 2012

4. Name of Judge assigned to your case

JUDGE LYNN HUGHES

(DISMISSAL AND EXCULPATORY 911 CALL IS ONLINE AT <http://plus.google.com/+JohnPalmer4u2>, twitter.com/ComandanteSBG, [facebook.com/JohnPalmer.us DOJ](https://www.facebook.com/JohnPalmer.us DOJ), [vimeo.com/...](https://www.youtube.com/watch?v=...))

5. Approximate date of filing lawsuit

LATE 2011

6. Is the case still pending?

☐ Yes

☒ No

If no, give the approximate date of disposition.

CASE DISMISSED, 2012

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

JUDGE HUGHES REALIZED MY EXCULPATORY EVIDENCE, 911 CALL/H.F.D./HOUSTON EMERGENCY/2 PAGE REPORT, IN AN EXHIBIT, YET DUE TO ITS DEVASTATION AND PROOF OF PERJURY HE LIED ABOUT IT.

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

NO

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: DEC. 13, 2018

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

John Palmer (John William Palmer)
JOHN PALMER (JOHN WILLIAM PALMER)
01611679
1200 BAKER ST., CELL: 2B2
HOUSTON TX 77002
City State Zip Code

B. For Attorneys

Date of signing:

I'm trying to contact wealthy niece/nephews to sue for wrongful death. I need an affordable bond or R. Bond. Please help.

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City State Zip Code

Telephone Number

E-mail Address

HARRIS COUNTY SHERIFF'S OFFICE JAIL

Name: JOHN PALMER

SPN: 01611679

Cell: 2B2

Street 12500 BAKER

HOUSTON, TEXAS 77002



NORTH HOUSTON TX 77341

24 DEC 2018 PM 3:1

UNITED STATES POSTAGE
SIXTY-ONE CENTS
FILED

DEC 18 2018

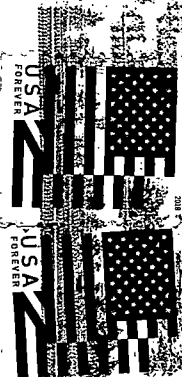
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CLERK OF COURT

P.O. Box 61010

Houston, TX 77208

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